



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. MBHB00-919-D 250/111)

PATENT

In Re Application of:)
Thompson) Examiner: K. Lacourciere
Serial No. 09/630,846) Art Unit: 1635
Filed: August 2, 2000)
For: Improved Polymerase III Based)
Expression of Therapeutic RNAs)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

1. We are transmitting herewith the attached papers for the above-identified patent application:
 - ☒ Applicant's Statement of the Substance of the Interview Conducted on January 28, 2004; and
 - ☒ Return Receipt Postcard.
2. Applicant believes that no fees are due at this time.
3. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** I hereby certify that I directed that this Transmittal Letter and the correspondence identified above be deposited with the United States Postal Service as "First Class Mail," addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Date: March 11, 2004

By: Andrew W. Williams

Andrew W. Williams
Registration No. 48,644



PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE
(MBHB Case No. 00-919-D 250/111)

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APPLICANT'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW
CONDUCTED ON JANUARY 28, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Dear Sir:

Applicants respectfully request that the following Statement of the Substance of the Interview conducted on January 28, 2004 be made of record in this case. An Interview Summary form was mailed by Examiner Lacourciere with the Office Action mailed March 5, 2004. Therefore, because Applicants' Statement must be filed by one month from the mailing date of the Interview Summary form, Applicants understand that this Statement is timely filed. An additional copy of the Interview Summary form was faxed to Applicants' agent at the conclusion of the interview, pursuant to M.P.E.P. 713.04. It is believed that the faxing of this copy does not constitute the mailing date of the Interview Summary form. If, however, this understanding is incorrect and a fee is due, please charge our deposit account number 13-2490.

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 11, 2004.

Date: March 11, 2004

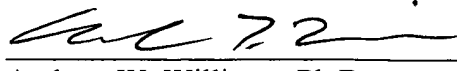

Andrew W. Williams

Substance of the Interview Conducted on January 28, 2004

An Examiner Interview was conducted via telephone on January 28, 2004. The participants were Examiner Karen A. Lacourciere and Applicants' agent Andrew Williams. No exhibits were shown nor demonstrations conducted. All pending claims were discussed. The Noonberg *et al.* reference (U.S. 5,624,803) was discussed. No proposed amendments were discussed. The Examiner agreed to withdraw the rejection of record of claims 1, 2, 9-19, 21, 24, and 25 based on Noonberg *et al.* because she agreed that the priority document for Noonberg does not provide a description of the instantly claimed oligonucleotides. The Examiner stated that this withdrawal removed finality of the last Office Action and that a new non-final Office Action would be issued. Moreover, the Examiner relieved Applicants of their obligation to respond to the Final Office Action mailed August 26, 2003. Further, the Examiner noted that the record of the interview of October 20, 2003 was not entered into the case, and therefore her Interview Summary form would constitute the record for the prior October 20, 2003 Interview as well as the Interview conducted on January 28, 2004. Correspondingly, this Statement of the Substance of the Interview also constitutes the record for the prior Interview conducted on October 20, 2003 as well as the Interview conducted on January 28, 2004.

Respectfully Submitted,

Date: March 11, 2004



Andrew W. Williams, Ph.D.
Reg. No. 48,644